

OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 35

December 3, 2002

SUBJECT: EMPLOYEE-INVOLVED TRAFFIC COLLISIONS

PURPOSE: The Department continually seeks ways to improve its management oversight of our fleet safety. Those efforts are intended to reduce employee injuries and civil liability. Currently, the fleet safety review process includes an optional peer assessment of an employee-involved traffic collision. Peer review has proven to be an effective way of causing employees to reflect on their own driving skills and defensive driving habits. Additionally, there is a need to promote consistency in the final evaluation of employee-involved traffic collisions, particularly those involving death or serious injury and those involving staff or command officers.

This Order requires that a Fleet Safety Peer Review Board (Peer Review Board) be convened for minor traffic collisions and establishes the Executive Fleet Safety Committee to review traffic collisions involving lieutenants and below (or civilian equivalents), that result in an "A" or "K" injury, as defined in Manual Section 4/432.10. It also assigns the Risk Management Executive Committee to review all traffic collisions involving captains and above (or civilian equivalents).

PROCEDURE:

I. FLEET SAFETY REPORT, FORM 1.13.0 - REVISED. The Fleet Safety Report, Form 1.13.0, has been revised to include a signature block for the Department Traffic Coordinator (DTC), who is currently the Commanding Officer, Uniformed Services Group (USG).

A. Use of Form. The use of this form has not changed.

B. Completion. The completion of this form now requires the signature of the DTC. Additionally, the involved employee's signature is required after the commanding officer's determination that the collision was non-preventable.

C. Distribution. The distribution of this form is:

1. Non-Preventable

1 - Original, Department Fleet Safety Coordinator,
Uniform Support Division (USD).

- 1 - Copy, employee's bureau commanding officer.
- 1 - Copy, employee's commanding officer.
- 1 - Copy, involved employee.

4 - TOTAL

2. Preventable

- 1 - Original, Commanding Officer, Internal Affairs Group (IAG).
- 1 - Copy, Department Fleet Safety Coordinator, USD.
- 1 - Copy, employee's bureau commanding officer.
- 1 - Copy, employee's commanding officer.
- 1 - Copy, involved employee.

5 - TOTAL

II. FLEET SAFETY PEER REVIEW BOARD REPORT, FORM 1.13.10 - ACTIVATED. The Fleet Safety Peer Review Board Report (Peer Review Report), Form 1.13.10, is activated.

A. Use of Form. This form documents the recommendations of the Peer Review Board.

B. Completion. This form shall be completed by the Chairperson of the Peer Review Board and becomes part of the Fleet Safety Report.

III. FLEET SAFETY PEER REVIEW BOARD - ESTABLISHED. Commanding officers shall convene a Peer Review Board to review all minor traffic collisions involving lieutenants and below (or civilian equivalents). A commanding officer may assign personnel to serve on the Peer Review Board for a specified period, or change the Board for each collision. The Peer Review Board shall consist of two members of a civil service rank equal to the involved employee and a supervisor at least one civil service rank above the involved employee. The supervisor shall serve as Chairperson. Employees involved in a fleet safety incident under review, either as participants or as witnesses, are ineligible to serve on that Peer Review Board. Involved employees are not allowed to be present when the Board considers its case.

IV. CHAIRPERSON, FLEET SAFETY PEER REVIEW BOARD, RESPONSIBILITY. The Chairperson of the Peer Review Board shall be responsible for convening the Board and completing the Peer Review Report. In addition, the Chairperson shall:

- * Ensure that each board member reads all reports related to the incident;
- * Ensure that the Board discusses all elements of the incident;
- * If necessary, request that the commanding officer obtain additional information;
- * Complete a written justification for the Board's opinion including any dissenting opinions by board members; and,
- * Return the Fleet Safety Report package to the commanding officer within 10 calendar days of receipt.

V. EXECUTIVE FLEET SAFETY COMMITTEE - ESTABLISHED. The Executive Fleet Safety Committee, as a subcommittee of the Department's Risk Management Executive Committee, shall be convened by the DTC to review all traffic collisions involving lieutenants and below (or civilian equivalents) resulting in an "A" or "K" injury. The Executive Fleet Safety Committee shall consist of:

- * Department Traffic Coordinator - Chairperson;
- * Involved employee's commanding officer;
- * Commanding Officer, Training Division;
- * Commanding Officer, Risk Management Division;
- * Commanding officer, traffic division of occurrence; and,
- * Peer member (same rank) of the involved employee, as selected by the Chairperson of the Executive Fleet Safety Committee.

Note: If the collision occurred outside the City, the Chairperson shall select a traffic division commanding officer to serve on the Committee.

Service on the Executive Fleet Safety Committee shall not be delegated to a subordinate, absent an approved absence from command. The Executive Fleet Safety Committee shall convene within 45 calendar days of receipt of the Fleet Safety Report package. The Committee's recommendation will be referred to the Commanding Officer, Human Resources Bureau, for presentation to the Chief of Police who shall make the final determination.

VI. MINOR TRAFFIC COLLISIONS - LIEUTENANTS AND BELOW. Uniformed Support Division shall compile the Fleet Safety Report package, which consists of a Fleet Safety Report, a Peer Review Report, an Accident History, Form 4.12, and a copy of the completed Traffic Collision Report, CHP Form 555. For minor traffic collisions involving lieutenants and below (or

civilian equivalents), USD shall forward the package to the involved employee's commanding officer via the employee's bureau or appropriate chain of command. The employee's commanding officer, utilizing the peer review process, shall review the Fleet Safety Report package, make a recommendation, and forward the package to the bureau or equivalent command for review and recommendation. The bureau or equivalent command shall then forward the Fleet Safety Report package to the DTC for final review.

VII. "A" or "K" TRAFFIC COLLISIONS - LIEUTENANTS AND BELOW. The Fleet Safety Report package for all traffic collisions that result in an "A" or "K" injury to any person, involving a lieutenant and below (or civilian equivalent), shall be forwarded directly to the DTC. In such cases, the DTC shall convene the Executive Fleet Safety Committee to review the traffic collision and make a recommendation to the Chief of Police.

VIII. TRAFFIC COLLISIONS - COMMAND AND STAFF OFFICERS. For all traffic collisions involving captains and above (or civilian equivalents), the Fleet Safety Report package shall be forwarded directly to the Chairperson of the Risk Management Executive Committee. The Risk Management Executive Committee will evaluate the traffic collision and make a recommendation to the Chief of Police who will determine the final classification.

Note: If the Chief of Police determines that a traffic collision under review by either the Executive Fleet Safety Committee or the Risk Management Executive Committee is preventable, the matter shall be forwarded to the DTC. The DTC shall forward the package to the employee's commanding officer, via the employee's bureau, directing that a Complaint Form, Form 1.28, be generated. The completed 1.28 investigation shall be returned to the DTC, who will forward it to the Commanding Officer, Internal Affairs Group, in the usual manner.

IX. DEPARTMENT TRAFFIC COORDINATOR'S RESPONSIBILITY. The DTC shall:

- * Review all completed Fleet Safety Report packages to determine compliance with Department procedure and consistency of the final classification;

Note: If the DTC disagrees with the classification, he/she

shall attach an Intradepartmental Correspondence, Form 15.2, to the Fleet Safety Report package articulating the rationale. If the classification is changed to preventable, the DTC shall return the Fleet Safety Report package to the employee's commanding officer (via the bureau or equivalent command) who shall include the DTC's 15.2 and initiate a complaint investigation and adjudicate the complaint in the usual manner.

- * Forward all completed original **non-preventable** Fleet Safety Report packages to USD for retention;
- * Forward all completed original **preventable** Fleet Safety Report packages to the Commanding Officer, IAG, and a copy to USD;
- * Forward a copy of the Fleet Safety Report, with the final classification, via the bureau or equivalent chain of command to the involved employee's commanding officer for final notification to the employee within 45 days of receipt from the bureau or equivalent; and,
- * Forward a copy of all completed Fleet Safety Report packages to the Commanding Officer, Risk Management Group, for trend analysis and auditing purposes.

X. UNIFORMED SUPPORT DIVISION RESPONSIBILITY. The Commanding Officer, USD, shall:

- * Provide staff support to the DTC;
- * Maintain the Department's Fleet Safety database;
- * Forward a Fleet Safety Report package to the appropriate bureau within 10 calendar days of receiving the Traffic Collision Report;
- * Compile a monthly report on all overdue packages and provide it to the DTC and all bureau commanding officers; and,
- * Compile a monthly Fleet Safety management report and provide it to the DTC and all bureau commanding officers.

XI. TRAFFIC DIVISION RESPONSIBILITY. The Collision Investigation Follow-up Unit of the traffic division investigating an employee-involved traffic collision shall:

- * Forward two copies of all employee-involved traffic collision reports, which have been audited and approved for distribution, to USD within 5 working days of the incident; and,
- * Distribute employee-involved traffic collision reports as outlined in Department Traffic Manual Section 4/211.

XII. COMMANDING OFFICER'S RESPONSIBILITY. Generally, the Area training coordinator is responsible for tracking and monitoring all traffic collisions involving employees within the command.

A. Minor Traffic Collision Involving a Lieutenant and below.

Upon receipt of a Fleet Safety Report involving a lieutenant and below (or civilian equivalent), the commanding officer shall:

- * Direct that a Peer Review Board be convened to review the incident and recommend a disposition;
- * Review the incident and the Peer Review Board's assessment;
- * Request additional information from the involved traffic division or outside agency, if needed;
- * Contact subject matter experts (i.e., Specialized Collision Investigation Detail, Specialized Enforcement Unit), if necessary;
- * Make a recommendation on the classification;
- * Ensure that the involved employee signs the Fleet Safety Report on a non-preventable classification;
- * Forward the completed Fleet Safety Report package to the bureau commanding officer within 30 calendar days of receipt; and,
- * Notify the involved employee of the collision's final classification and provide him/her with a copy of the investigation.

When employees from separate commands are involved in a traffic collision, the DTC shall determine which commanding officer is responsible for reviewing the entire incident for all involved employees. The commanding officer assigned to conduct the review shall discuss his/her findings with the commanding officer(s) of the other involved employee(s).

B. Major Traffic Collision. When a commanding officer is notified that the findings of either the Executive Fleet Safety Committee or the Risk Management Executive Committee involve a preventable traffic collision, he/she shall initiate a complaint investigation and adjudicate the complaint. The completed complaint investigation and the Fleet Safety Report package shall be forwarded via the chain of command to the DTC, who shall forward it to the Commanding Officer, IAG.

XIII. BUREAU COMMANDING OFFICER'S RESPONSIBILITY. Bureau commanding officers shall forward the initial Fleet Safety Report package to the commanding officer of the involved employee within seven calendar days of receipt from USD. Upon return of the completed package, the bureau or equivalent commanding officer shall:

- * Review all related reports, evidence, and recommendations;
- * Make a recommendation on the classification;
- * Sign the Fleet Safety Report;
- * Forward the Fleet Safety Report package to the DTC within 10 calendar days of receipt; and,
- * Forward a copy of the Fleet Safety Report, Form 1.13.0, to USD for tracking.

XIV. TRAINING - DOCUMENTATION. When training is directed as the result of an employee-involved traffic collision, all completed training and the corresponding Division of Records (DR) number shall be entered into the Training Management System (TMS) by Continuing Education Division. Training for traffic collisions that result in complaints should be documented in the Letter of Transmittal. Training for traffic collisions that do not result in complaints can be documented on an Employee Comment Sheet, Form 1.77, or the Notice to Correct Deficiencies, Form General 78.

XV. MULTIPLE RISK MANAGEMENT INCIDENTS. When multiple risk management issues are involved (i.e., pursuit, traffic collision, use of force, and/or a complaint investigation) and adjudication is interdependent, all incidents shall be adjudicated by the same reviewing authority in the following sequence:

- A. Complaint investigation;
- B. A use of force adjudicated by the Use of Force Review Board;
- C. Traffic collision involving "A" or "K" injuries (USG);
- D. Other uses of force or pursuits (RMG); then,
- E. Traffic collision not involving death or serious injury (USG).

Example: An incident involving a pursuit and a use of force under adjudication by the Use of Force Review Board would be adjudicated in its entirety by the Use of Force Review Board.

Note: When a preventable traffic collision is one of multiple allegations included in a complaint investigation, the Fleet

Safety Report shall still be completed and forwarded to IAG with the complaint investigation. The Corrective Action Imposed or Recommended section shall state, "Additional Misconduct Alleged."

FORM AVAILABILITY: The current Fleet Safety Report, Form 1.13.0 (1/96), shall not be used and the revised form is available through USD. The Fleet Safety Review Board Report, Form 1.13.10, will be available for ordering from the Department of General Services, Distribution Center, in about 90 days, and will be available on the Department's Local Area Network (LAN). Copies of the forms are attached for duplication and immediate use.

AMENDMENTS: This Order adds Sections 3/205.10, 3/205.20, 3/205.30, 3/205.40, 3/205.50, and 5/1.13.10, and amends Sections 2/631.10, 3/205, 3/830.31, and 5/1.13.0 to the Department Manual.

AUDIT RESPONSIBILITY: The Commanding Officer, Uniformed Services Group, shall monitor compliance with this directive in accordance with Department Manual Section 0/080.30.

WILLIAM J. BRATTON
Chief of Police

Attachments

DISTRIBUTION "A"